

flow from the Sacramento range, and yet no living stream empties into them over their surface; and,

Whereas, Their physical and meteorological conditions make it of the utmost importance to every interest of the entire State, and especially of vital importance to the entire region embraced within the limit aforesaid, to preserve the natural or physical features that, according to well established natural laws, serve to perpetuate the original sources of the water supply of the region referred to; and,

Whereas, It is currently known that a rapid destruction of the vast forests upon the lower portion of the Sacramento ranges is taking place by large lumber companies, causing the denudation of thousands of acres of their deeply covered moisture-laden soil, the inevitable result of which denudation will be to cause the springs and streams to dry up, and the streams of Texas to rapidly drain the reservoir in the table lands, and in turn cease to flow except in case of local rains; and,

Whereas, There are now persistent and systematic efforts being made by parties interested in the lumber business to get the government of the United States to remove the Mescalero Apache Indians from their immense reservation, situated in the central part of the Sacramento ranges, in its highest altitudes and finest timbered and watered regions, so as to throw open these vast forests, ostensibly to the settler, but in reality to the woodman's axe, as soon as the present forest supply is exhausted where they are now operating, estimated to be about twelve years; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That in view of the premises aforesaid, the president and Congress of the United States be and they are hereby most earnestly requested to take such prompt and efficient action as will prevent farther destruction of these vast primeval forests, and insure their perpetual preservation, and the consequent preservation of the meteorological and physical conditions of the large and important area of Texas referred to, together with the great material interests of Texas, inseparably bound up in these conditions, and do earnestly recommend that the government segregate all public lands owned by it, including the Indian reservation referred to, for the purpose of a grand national park, a park that it is conceded would be surpassed by none in the United States, and only equaled by the Yellowstone for scenic grandeur and picturesque beauty.

The resolution was read first time, and,

On motion of Senator Turner, went over for one day.

The President Pro Tempore here declared the morning call concluded.

HOUSE CONCURRENT RESOLUTION NO. 1 (MAC STEWART)— SIGNED.

The President Pro Tempore gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

House Concurrent Resolution No. 1, relating to the incarceration of Mac Stewart in Chihuahua, Mexico.

ADJOURNMENT.

On motion of Senator Turner, the Senate, at 10:20 o'clock a. m., adjourned until 10 o'clock a. m. Tuesday, August 20th.

NINTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, Aug. 20, 1901.

The Senate met, pursuant to adjournment.

President Pro Tem. Neal in the chair.

The roll was called, a quorum being present, the following Senators answering to their names:

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

Absent.

McGee.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday (eighth day), the same, on motion of Senator Wilson, was dispensed with.

PETITIONS AND MEMORIALS.

Senator Beaty presented the following petition:

Woodville, Texas, August 16, 1901.

To the Hon. J. T. Beaty, Austin, Texas.

We, the undersigned citizens of Tyler county, Texas, respectfully ask that you use your influence in getting Tyler county in the Sabine Pass District as outlined by the House committee in District No. 1, composed of Jefferson, Orange, Hardin, Jasper, Newton, Tyler, Sabine, San Augustine, Nacogdoches, Shelby; Panola and Harrison counties.

J. B. Roberts, S. H. Reid, A. G. Reid, and seventy-five others.

Senator Beaty also presented the following memorial:

Colmesneil, Texas, August 17, 1901.

Hon. J. T. Beaty, Austin, Texas.

DEAR SIR: The following resolutions were passed at a mass meeting held here today:

Whereas, The Senate sub-committee's bill redistricting the State into Congressional districts, proposes to place this (Tyler) county in a district with Galveston county; and,

Whereas, Tyler county has little or no community of interest with Galveston county or the port of Galveston; and,

Whereas, The interests of Tyler county are identified with and closely allied to the port of Sabine; and,

Whereas, During the coming ten years important congressional action may be taken, affecting the port of Sabine and contiguous territory, in which our people are vitally interested; therefore, be it

Resolved, That we, the citizens of Tyler county, in mass meeting assembled, do solemnly protest against the enactment into law the said sub-committee bill, in its present form, and request our Senator and Representatives to use all honorable means to secure its defeat.

We further protest against excluding Tyler county from the district embracing the port of Sabine; and in the most emphatic manner protest against being left out of the Congressional district represented by the Hon. S. B. Cooper, who has so faithfully, honorably and ably represented this section in Congress for the past eight years.

Resolved, That these proceedings be published in the *Houston Post* and *Tyler County Times*.

F. A. PEERY,

Secretary.

F. M. SUMRALL,

Chairman.

Senator Johnson presented the following memorial:

To the Legislature of the State of Texas.

Your memorialists, who reside in Henderson county, in the Third Judicial District of Texas, respectfully represent:

That said district is now composed of the counties of Henderson, Anderson and Houston, the county seats being Athens, Palestine and Crockett.

That said district was organized in the year A. D. 1884 (Acts of 1884, page 3), with said three counties constituting it, and its territory has not been increased or diminished since that time.

That the district, as now constituted, contains about 75,000 inhabitants (a greater number than most of the other districts now have).

That since its organization, its population has increased about 100 per cent. (doubled), and its business has increased in about the same proportion.

That on August 1st there were pending and undisposed of in the three counties 337 cases, of which 207 were civil cases and 130 criminal cases (felonies).

That the members of the bar of the several counties have built up their practice in the district, and not in adjoining counties in other districts.

That the people of the several counties have close business and political relations of long standing, and they do not desire to be placed in different judicial districts.

That the district as it now exists is satisfactory to the people, the officers and the bar.

That the counties are connected with each other by railways.

That there are in operation about eighty miles in Henderson county, fifty miles in Anderson county, and forty miles in Houston county of railroads leading to and from the several county seats.

That the city of Palestine (the county seat of Anderson county, having a population of nearly 10,000 people) is the headquarters of the International & Great Northern Railroad Co.

The general offices (and construction and repair shops) are located there.

This causes many suits to be filed in said county. (Acts 1891, p. 31.)

That the population and enterprises of the district are rapidly increasing, while there is no demand or desire to diminish the size of the district, public interest requires that it should not be enlarged, and the general desire of all concerned is that it shall not be changed.

Signed—W. L. Faulk and others.

August 10, A. D. 1901.

Senator Swann presented the following memorials:

Falls county, Texas, August 12, 1901.

We, the citizens of Falls county, hereby represent to the Legislature of Texas that the people of Falls county do not desire to be separated from McLennan county and the said Congressional district as it is now formed, but to remain with Mc-

Lennan county, and in practically the same district as it now exists. We urge Hon. J. J. Swann, our Senator, and Hon. T. T. Connolly and Hon. G. W. Brown to support a measure thus keeping together Falls, McLennan, Bell, Limestone and other counties in the same Congressional district.

W. T. Pratt, J. W. Wills, T. M. Hartsfield and others.

Falls county, Texas, August 12, 1901.

We, the citizens of Falls county, hereby represent to the Legislature of Texas that the people of Falls county do not desire to be separated from McLennan county and the said Congressional district as it is now formed, but to remain with McLennan county, and in practically the same district as it now exists. We urge Hon. J. J. Swann, our Senator, and Hon. T. T. Connolly and Hon. G. W. Brown to support a measure thus keeping together Falls, McLennan, Bell, Limestone and other counties in the same Congressional district.

B. P. Hoelscher, A. J. Holscher, A. G. Rieger and others.

Falls county, Texas, August 12, 1901.

We, the citizens of Falls county, hereby represent to the Legislature of Texas that the people of Falls county do not desire to be separated from McLennan county and the said Congressional district as it is now formed, but to remain with McLennan county, and in practically the same district as it now exists. We urge Hon. J. J. Swann, our Senator, and Hon. T. T. Connolly and Hon. G. W. Brown to support a measure thus keeping together Falls, McLennan, Bell, Limestone and other counties in the same Congressional district.

S. W. Moore, H. A. Stateworth, T. F. Glass and others.

Senator Lipscomb presented the following memorial:

To the Honorable the Members of the Twenty-seventh Legislature and the Committee on General Appropriation of the Twenty-eighth Legislature of the State of Texas:

San Jacinto Chapter, Daughters of the Republic of Texas, respectfully urge the incorporation in the general appropriation bill of the accompanying clause, appropriating \$25,000 for fencing and improving the battlefield of San Jacinto. This sum is the lowest arrived at after a thorough examination and careful estimate by those best qualified to ascertain and determine the cost.

The women of your State do not ask public office, nor the right to vote, etc., but we feel that it is simply a part of our duty to care for the memory of those who bought with self-sacrifice and heroic

endurance of hardship—even to the loss of blood and life—the freedom and comforts we enjoy now. In this line of duty we come to you asking that you use the authority vested in you to aid us in this noble work. The responsibility for doing this in a manner worthy of the great State that you represent, and of the men who built it, lies entirely with you.

We do not ask you to outline the battlefield of San Jacinto with a wire fence for the purpose of keeping out the cattle that now wander unrestrained over the plain that should be held as sacred ground, but we ask you to put around it a fence that will be at the same time a protection and an ornament.

The field where the decisive battle of the war for our independence was fought is one that should be equally valued by every man, woman and child in the State of Texas; and in considering this question there should be no North Texas, no South Texas, no East Texas, and no West Texas. The good and the glory of it belongs alike to all portions of the State. Furthermore, we beg to call your attention to the fact that within the past six months money has been pouring into the State treasury through the charters for the numerous oil, land and lumber companies formed in this section; that in one day two of these companies, with headquarters in Houston, paid into the treasury \$20,000. Surely, the State can give the income of two days in the year, derived from the soil, to the commemoration of her glorious dead who gave us the soil, and whose deeds consecrated it.

We appeal to your sense of justice of what is due, not only to the men who fought at San Jacinto, but to the reputation of Texas, and to her honor, both at home and among other people. We appeal to you to remove from our beloved State the—alas, too well merited—reproach of an almost criminal indifference to the landmarks that lie within her borders—landmarks that point backward to heroism, endurance and results obtained almost unequalled in the world's history—and now are a standing reproach in their desolation.

COMMITTEE.

Mrs. J. J. McKeever, Jr., President.
Mrs. Carlisle B. Martin, Secretary.
Mrs. Chas. H. Milby, Treasurer.
Mrs. Margaret H. Foster.

EXECUTIVE COMMITTEE.

Mrs. Marie B. Urwitz, Chairman, Houston.
Mrs. Adele B. Looscan, Houston.
Mrs. Cornelia B. Stone, Galveston.
Mrs. Charles H. Milby, Harrisburg.

Mrs. Walter Gresham, Galveston.
Miss Hally B. Bryan, Austin.
Miss Bettie Ballinger, Galveston.
Mrs. Joseph B. Dibrell, Seguin.
Mrs. W. E. Kendall, Houston.

OFFICERS OF THE ASSOCIATION.

Mrs. Anson Jones, President, Houston.
Mrs. Mary J. Briscoe, First Vice-President, Houston.
Mrs. Rebecca J. Fisher, Second Vice-President, Austin.
Mrs. C. B. Stone, Third Vice-President, Galveston.
Mrs. Kate S. Terrell, Fourth Vice-President, Dallas.
Mrs. Walter Gresham, Fifth Vice-President, Galveston.
Mrs. Adele B. Looscan, Historian, Houston.
Mrs. J. J. McKeever, Jr., Secretary, Houston.
Mrs. Charles H. Milby, Assistant Secretary, Harrisburg.
Miss Belle Fenn, Treasurer, Houston.

CHAPTERS.

Sidney Sherman Chapter No. 1, Galveston.
San Jacinto Chapter No. 2, Houston.
Wm. B. Travis Chapter No. 3, Austin.
Sam Houston Chapter No. 4, Lampasas.
De Zavala Chapter No. 7, San Antonio.
Ben Milam Chapter No. 8, Temple.
Sterling C. Robertson Chapter No. 9, Waco.

(Attached.)

SAN JACINTO BATTLE GROUND.

"To pay for the construction of a substantial iron fence surrounding 337 acres of land, more or less, owned by the State in Harris county, Texas, known as the 'San Jacinto Battlefield,' requiring 19,500 linear feet, more or less, with suitable gateways, etc., and to acquire sufficient land upon the Bayou front adjacent to said battlefield for a ship landing; and to erect a cottage and other necessary buildings; and to employ a competent keeper of said grounds; and to make such other improvements thereon as may be deemed necessary, to be expended within two years, \$25,000, or so much thereof as shall be necessary; provided, that the Governor shall, as soon as practicable, appoint a commission, to be composed of three citizens of this State, who shall represent the State in the construction and building of said fence, selecting the design, making contracts, and doing and performing all other acts which may be necessary and proper in having said grounds enclosed

and improved as herein suggested. All claims from this appropriation or any part thereof shall be accompanied by the affidavit of claimant, to the effect that the claim is just, true and correct, and incurred in accordance with the contract made between the claimant and said commissioners, or any two of them, and that the claim is due and unpaid. Such account, if found correct, shall then be approved by at least two of the commissioners and the Governor of the State, and when so approved, shall be sufficient authority to authorize the Comptroller to draw his warrant on the Treasurer for the amount of said claim, and said commissioners shall have full power and authority to make all contracts necessary and to pay for all contingent and other expenses out of said fund on approval of the Governor. Each of said commissioners shall serve without compensation, but shall be entitled to any actual personal expense necessarily incurred by him in the discharge of his official duties, to be paid out of said fund, as herein above provided for."

Senator Davidson of Galveston presented the following memorial:

[Official.]

HEADQUARTERS CAMP MAGRUDER No. 105,
U. C. V.

Galveston, Texas, Aug. 19, 1901.

To the Honorable R. V. Davidson, State Senator, Austin, Texas.

HONORED SIR: In obedience to orders from this camp enclosed please find a true copy of petition or memorial unanimously passed by this camp at a called meeting held August 18, 1901. We earnestly request that you would give it your support, and oblige.

Your obedient servant,

THOS. H. EDGAR,
Adjutant.

MEMORIAL OF CAMP MAGRUDER TO THE TEXAS LEGISLATURE.

Camp Magruder No. 105, United Confederate Veterans, of Galveston, respectfully invites the attention of the Senate and House of Representatives to the sad condition of a number of Confederate veterans who, having given to their country years of military service, when in the prime and vigor of their manhood, offering their lives a willing sacrifice in behalf of the rights of their State, now in their old age, disabled by wounds or disease and without means of support, seek by admission to the Confederate Home to avail themselves of the just and generous provision ordained by

the people of Texas through the Constitution for their benefit.

Seventy-four indigent and disabled Confederate veterans present themselves at the bar, equally without the opportunity of those asking alms and without the insistence of those making a demand, and simply make known to the Legislature of their State, composed so largely now of another generation, the helplessness of their condition.

The situation itself is too full of eloquence and pathos, especially when addressed, as here, to hearts full of sympathy, to justify or excuse an attempt to paint it in more vivid colors.

Once their hearts beat high with hope of their country's independence, and after a military career of honor they looked to a return home when all things should go prosperously to the end. Now, the cause they loved, lost, defeated, not alone on the field of battle, but in the battle of life, they ask only that the doors of the home the State has provided for them may be open to them.

A great English novelist when he sought to portray an ideal man crowned him in his vigor with military honors, and at its close, when he could no longer be of use to his country or others, represented him as, rather than be dependent on others, taking his place in the ranks in the home provided for the old and helpless, and Newcome responded, as in the days of his youth, "Adsum."

Four of the veterans whose applications had been approved, but to whom admission had to be denied, have died in the past twelve months; let us hasten to remedy this condition lest that sad roll be increased, with what suffering to them of mind and body we may not know, with what reproach to the living we need not feel.

ROBT. G. STREET,
F. CHAS. HUME,
JOHN D. ROGERS,
Committee.

EXCUSED.

On motion of Senator Beaty, Senator Miller was excused for non-attendance last Friday, on account of important business.

On motion of Senator James, Senator Potter was excused for non-attendance on last Friday on account of important business.

On further motion of Senator James, Senator Goss was excused for non-attendance on last Friday on account of important business.

On motion of Senator Turner, Senator Swann was excused for non-attendance on last Friday on account of sickness.

COMMITTEE REPORT.

The following committee report was made to the Senate:

Committee Room,
Austin, Texas, August 14, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 1, A resolution requesting Major Luther R. Hare be appointed brigadier-general in the regular army of the United States,

And find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

WILSON, Chairman.

EXECUTIVE MESSAGE.

The following executive message was here delivered to and laid before the Senate:

EXECUTIVE OFFICE,
STATE OF TEXAS,
AUSTIN.

To the Legislature:

The following subjects are hereby submitted to the Legislature for its consideration:

1. To re-enact Senate bill No. 206, entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables; providing the amount of such fees and for the payment of sheriffs' and constables' costs," which bill was received in the executive office on April 9, 1901, without the signature of the Speaker of the House of Representatives.

2. The redemption of lands and city and town lots sold to the State for taxes.

3. The settlement of titles to lands held adversely to the State under claims which originate from the Spanish and Mexican governments.

4. To grant to the Attorney General authority to withdraw from the office of Comptroller of Public Accounts such original vouchers, papers and accounts as may be necessary to enable him to properly present the claims of the State of Texas against the United States government on account of expenses incurred by the State in behalf of Greer county.

5. To amend the law relating to minerals.

6. To amend Chapter 18, approved March 17, 1901, of the General Laws.

7. To amend the charter of the city of Austin.

8. To provide a better road law for the county of Cass.

9. For the better care, protection and maintenance of the blind children of the State.

10. To enable such counties, cities and towns as have suffered through destruction of property and depreciation of values because of storms, floods or other great disasters to compromise, refund or pay off their bonded and floating indebtedness.

11. To enable the counties, cities and towns bordering on the coast of the Gulf of Mexico to levy and collect a tax for the construction of sea-walls and break-water and for sanitary purposes, and to create a debt for such works, and to issue bonds therefor.

12. To provide for the proper care and maintenance of children who are deaf, dumb and blind.

13. To provide for taxation upon the output of oil wells.

14. To amend Chapter 113, approved April 18, 1901, General Laws.

15. To validate the incorporation of the town of Childress, Childress county, for school purposes only.

16. For the preservation of health in unincorporated towns and villages.

JOSEPH D. SAYERS,
Governor.

BILLS AND RESOLUTIONS.

By Senator Hanger:

Senate bill No. 6, A bill to be entitled "An Act to permit owners of real estate sold to the State of Texas for taxes to redeem the same."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Davidson of Galveston:

Senate bill No. 7, A bill to be entitled "An Act to amend Chapter 2, Title XXV, of the Revised Statutes of Texas, 1895, by adding Articles 884, 885 and 886, authorizing counties and cities in which there has been heretofore, or may be hereafter, great destruction or damage of property, and depreciation of taxable values occasioned by storms, floods or other great disasters, to compromise, settle, fund or refund their valid, subsisting bonded and floating indebtedness, and for such purpose to issue bonds without submitting the question of issuance to a vote of the taxpayers, and to exchange said bonds for valid outstanding bonds, warrants or scrip, or to sell said bonds, and apply the proceeds in settlement of said indebtedness; also to repeal all laws in conflict with the provisions of this act."

Read first time, and referred to Com-

mittee on Counties and County Boundaries.

By Senator Goss:

Senate bill No. 8, A bill to be entitled "An Act validating the incorporation for school purposes only of the town of Childress independent school district, heretofore incorporated as an independent school district in Childress county; validating the acts of the board of trustees thereof, and providing for the control of the public schools and the erection and purchase of sites and school buildings thereon, as now provided by law for independent school districts in towns and villages."

Read first time, and referred to Committee on Education.

By Senator Potter:

Senate bill No. 9, A bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables; providing the amount of such fees, and for the payment of sheriffs' and constables' costs."

Read first time, and referred to Committee on Finance.

The President Pro Tempore here declared the morning call concluded.

SENATE CONCURRENT RESOLUTION NO. 2 (SAN ANTONIO ASYLUM WATER SUPPLY)—SIGNED.

The President Pro Tempore gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Senate Concurrent Resolution No. 2, authorizing the Governor and board of managers of the Southwestern Insane Asylum, of San Antonio, to contract for a water supply for said asylum.

SENATE BILL NO. 4 (CONGRESSIONAL APPORTIONMENT)—ON SECOND READING.

The President Pro Tempore laid before the Senate the regular order of business, on its second reading,

Senate bill No. 4, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, and to repeal all laws or parts of laws in conflict herewith."

The bill was read second time with pending committee substitute (see Record of eighth day, August 16), and

Senator Turner moved that further consideration of pending business be postponed until tomorrow after the conclusion of the morning call.

The motion was lost by the following vote:

Yeas—13.

Beaty.	Sebastian.
Dibrell.	Stafford.
Goss.	Staples.
Johnson.	Swann.
Lipscomb.	Turner.
Patterson.	Wheeler.
Paulus.	

Nays—16.

Davidson of	Lloyd.
DeWitt.	Miller.
Davidson of	Neal.
Galveston.	Odell.
Grinnan.	Potter.
Hanger.	Savage.
Harris of Bexar.	Turney.
Harris of Hunt.	Wilson.
James.	Yett.

Absent.

McGee. Wayland.

SENATE BILL NO. 4 (CONGRESSIONAL APPORTIONMENT)—COMMITTEE SUBSTITUTE
ADOPTED.

The question being on the adoption of the committee substitute for the Senate congressional bill (see Record of eighth day, August 16), the same was adopted by the following vote:

Yeas—20.

Beaty.	Lloyd.
Davidson of	Miller.
DeWitt.	Neal.
Davidson of	Odell.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Stafford.
Hanger.	Turney.
Harris of Bexar.	Wayland.
Harris of Hunt.	Wilson.
James.	Yett.

Nays—10.

Goss.	Sebastian.
Johnson.	Staples.
Lipscomb.	Swann.
Patterson.	Turner.
Paulus.	Wheeler.

Absent.

McGee.

BILLS AND RESOLUTIONS.

By unanimous consent the following were introduced:

By Senator Beaty:

Senate bill No. 10, A bill to be entitled "An Act to amend Section 1 of an act entitled 'An Act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for

the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to amend an act entitled 'An Act to regulate the terms and fix the times for holding the district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties,' approved April 10, 1899; to create the Fifty-eighth Judicial District of the State of Texas; to fix the times for holding court therein, and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and other process heretofore issued out of the district court of said First Judicial District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senators Staples and Wilson:

Senate bill No. 11, A bill to be entitled "An Act to amend Section 13, of Chapter 107, page 182, of the General Laws of the Twenty-sixth Legislature, approved May 12, 1899, which is entitled as follows: 'An Act to carry into effect the amendments to the Constitution of the State of Texas providing that aid may be granted to disabled and dependent Confederate soldiers, sailors and their widows, under certain conditions, and to make an appropriation therefor.'"

Read first time, and referred to Committee on Finance.

By Senators Miller and Harris of Bexar:

Senate Concurrent Resolution No. 5:

Whereas, The citizens of Texas from the years 1858 to 1876 suffered great losses at the hands of the Indians, against whom they were not afforded protection by the presence of Federal troops; and,

Whereas, These losses fell upon that portion of our citizens who were on the frontier, and were extending the civilization and settlement of the State; and,

Whereas, These losses reduced very many such citizens from affluence to poverty; and,

Whereas, The present law which has jurisdiction of claims on account of such depredations to the Court of Claims, known as the Act of March 3, 1891, expressly forbids the said Court of Claims to take jurisdiction of claims for losses accruing during the periods when the tribes to which Indians belonged were not in amity with the United States; and,

Whereas, Under said prohibition the Court of Claims had found that Com-

anche Indians were hostile in this State in 1860, and again in 1864 and 1865, and again in 1868 and 1869, and again in 1874 and 1875; and,

Whereas, While there may have been during these said periods a lack of peaceable relations between the said Indians and the citizens of Texas, there was, nevertheless, no status which could be properly defined to be warfare between the said Indians and the United States; and,

Whereas, The same law also forbids the Court of Claims to assume jurisdiction of claims on behalf of those who were not citizens of the United States at the date of the depredations; and,

Whereas, Many citizens of this State, who had been citizens of the Republic of Texas had never been naturalized, but believed themselves, by virtue of the annexation of Texas, to be citizens thereof, and also citizens of the United States; and,

Whereas, Many of these are among the foremost and best citizens of the State, and contributed very considerably to the extension of the frontier and the settlement of the State, and should also have been entitled equally with those who were bona fide citizens to the protection of the United States and to recompense for the losses incurred by them; and, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Congress of the United States be and the same is earnestly petitioned by the Legislature of the State of Texas to so amend the present law, known as the Act of March 3, 1891, as to include within the jurisdiction of the court all claims, whether committed during a period of amity or a period of hostility, and also all claims of those who were permanent, bona fide residents of the State of Texas, and extending the time under said act one year from the filing of claims.

(Senator Turney in the chair.)

The resolution was read second time, and adopted.

SENATE CONCURRENT RESOLUTION NO. 4—ADOPTED.

By unanimous consent, Senator Harris of Bexar called up from the table Senate Concurrent Resolution No. 4, introduced August 16th, and

The Chair (Senator Turney) laid the same before the Senate.

Second reading of the resolution being waived, the same was adopted as follows:

Senate Concurrent Resolution No. 4:

Whereas, A study of the physical and meteorological conditions of that vast area of Texas between the Brazos and

Pecos rivers, including especially the staked plains or table lands of Texas and New Mexico, and their close relations to the Sacramento mountains in the Southeastern portions of New Mexico, discloses the fact that the summer torrential rains that with unfailing regularity have, within the memory and traditions of the oldest inhabitants, fallen upon the aforesaid entire chain, and that in connection with the heavy fall, winter and spring snows have caused these great mountain ranges to be densely covered by magnificent forests of white and yellow pine, spruce, fir, cedar and other forest trees; and,

Whereas, It is obvious that the cold, high altitudes of these mountains, ranging from 8,500 to 14,200 feet, and distant in places less than one hundred and fifty miles from the Texas line, is the first object the prevailing southeast winds of Texas, laden with gulf moisture, meet with, that causes this immense precipitation of summer rain; and,

Whereas, As a natural result of the snows and rains innumerable perennial springs and mountain streams cleave the sides of the Sacramento ranges for hundreds of miles, finding their way in part to the Pecos river, and more largely into the table lands referred to, forming thereby a vast reservoir for all Northwest, West and Southwest Texas; and,

Whereas, All the larger streams within that area have their origin at or near the base of the staked plains or table lands of Texas; that is, near the great bluffs that for three hundred miles mark the line of demarkation between the table lands and semi-mountainous region of Northwest and Southwest Texas; and,

Whereas, The normal rainfall of all the region included in the staked plains and semi-mountainous region south of them is wholly insufficient to support any one of the principal streams of Southwest Texas; and,

Whereas, These plains are found to be underlaid with the same semi-freestone water that is found in the streams that flow from the Sacramento range, and yet no living stream empties into them over their surface; and,

Whereas, Their physical and meteorological conditions make it of the utmost importance to every interest of the entire State, and especially of vital importance to the entire region embraced within the limit aforesaid, to preserve the natural or physical features that according to well established natural laws, serve to perpetuate the original sources of the water supply of the region referred to; and,

Whereas, It is currently known that a rapid destruction of the vast forests

upon the lower portion of the Sacramento ranges is taking place by large lumber companies, causing the denudation of thousands of acres of their deeply covered moisture-laden soil, the inevitable result of which denudation will be to cause the springs and streams to dry up, and the streams of Texas to rapidly drain the reservoir in the table lands, and in turn cease to flow except in case of local rains; and,

Whereas, There are now persistent and systematic efforts being made by parties interested in the lumber business to get the government of the United States to remove the Mescalero Apache Indians from their immense reservation, situated in the central part of the Sacramento ranges, in its highest altitudes and finest timbered and watered regions, so as to throw open these vast forests, ostensibly to the settler, but in reality to the woodman's axe, as soon as the present forest supply is exhausted where they are now operating, estimated to be about twelve years; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That in view of the premises aforesaid, the president and Congress of the United States be and they are hereby most earnestly requested to take such prompt and efficient action as will prevent farther destruction of these vast primeval forests, and insure their perpetual preservation, and the consequent preservation of the meteorological and physical conditions of the large and important area of Texas referred to, together with the great material interests of Texas, inseparably bound up in these conditions, and do earnestly recommend that the government segregate all public lands owned by it, including the Indian reservation referred to, for the purpose of a grand national park, a park that it is conceded would be surpassed by none in the United States, and only equaled by the Yellowstone for scenic grandeur and picturesque beauty.

COMMITTEE REPORT.

The following committee report was made to the Senate:

Committee Room,
Austin, Texas, August 20, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 2, being a concurrent resolution authorizing a contract for water for the Southwestern Insane Asylum,

And find the same correctly enrolled, and have this day, at 10:20 o'clock a. m., presented the same to the Governor for his approval.

WILSON, Chairman.

SUBSTITUTE SENATE BILL NO. 4 (CONGRESSIONAL APPORTIONMENT)—PENDING ON ENGROSSMENT.

The Senate here resumed consideration of the pending business, Senate's congressional bill, and

Senator Staples offered the following amendment:

"Amend on page 5, in line 5, by striking out the word 'Colorado'; and amend further by inserting the word 'Colorado' after the word 'Comal,' on page 5, in line 2."

ADJOURNMENT.

Pending further consideration of the foregoing substituted bill and amendment, Senator Patterson moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow, and

Senator Hanger moved that the Senate stand adjourned until 3 o'clock p. m. today.

Action recurring on the longest time first, the motion of Senator Patterson prevailed, and the Senate, at 12:20 o'clock p. m., accordingly adjourned by the following vote:

Yeas—21.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Savage.
Dibrell.	Sebastian.
Goss.	Staples.
Grinnan.	Swann.
Hanger.	Turner.
Harris of Bexar.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.

Nays—8.

Davidson of	Odell.
Galveston.	Potter.
Harris of Hunt.	Stafford.
James.	Turney.
Miller.	

Absent.

McGee.	Neal.
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TENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Aug. 21, 1901.

The Senate met pursuant to adjournment.

President Pro Tem. Neal in the chair.
The roll was called, a quorum being